

GP/1645

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.

13711



In Re Application Of: **Joseph A. Rothnagel, et al.**

Serial No.

09/880,253

Filing Date

June 13, 2001

Examiner

Unassigned

Group Art Unit

1645

Title: **EXPRESSION MODULATING SEQUENCES**

RECEIVED

OCT 24 2001

TECH CENTER 1600/2900

Address to:

Assistant Commissioner for Patents

Washington, D.C. 20231

37 CFR 1.97(b)

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application; within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; or before the mailing date of a first Office Action on the merits, whichever event occurs last.

37 CFR 1.97(c)

2. ☐ The Information Disclosure Statement submitted herewith is being filed after three months of the filing of a national application, or the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; or after the mailing date of a first Office Action on the merits, whichever occurred last but before the mailing date of either:

1. a Final Action under 37 CFR 1.113, or
2. a Notice of Allowance under 37 CFR 1.311,

whichever occurs first.

Also submitted herewith is:

- ☐ a certification as specified in 37 CFR 1.97(e);

OR

- ☐ the fee set forth in 37 CFR 1.17(p) for submission of an Information Disclosure Statement under 37 CFR 1.97(c).

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.

13711

In Re Application Of: Joseph A. Rothnagel, et al.

Serial No.

09/880,253

Filing Date

June 13, 2001

Examiner

Unassigned

Group Art Unit

1645

Title: **EXPRESSION MODULATING SEQUENCES**

RECEIVED

OCT 24 2001

TECH CENTER 1600/2900

Payment of Fee

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of _____ is attached.
- ☒ The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. 19-1013/SSMP as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of _____
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.

Certificate of Transmission by Facsimile*

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. _____) on _____ (Date)

Signature

Typed or Printed Name of Person Signing Certificate

*This certificate may only be used if paying by deposit account.

Certificate of Mailing by First Class Mail

I certify that this document and fee is being deposited on October 16, 2001 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

Mishelle Mustafa

Typed or Printed Name of Person Mailing Correspondence

Dated: October 16, 2001

Leopold Presser, Esq.
SCULLY, SCOTT, MURPHY & PRESSER
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343

LP/sf

cc:

**RECEIVED**

OCT 24 2001

TECH CENTER 1600/2900 PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Joseph A. Rothnagel, et al. **Examiner:** Unassigned
Serial No: 09/880,253 **Art Unit:** 1645 #9
Filed: June 13, 2001 **Docket:** 13711
For: EXPRESSION **Dated:** October 16, 2001
MODULATING SEQUENCES

Assistant Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Sir:

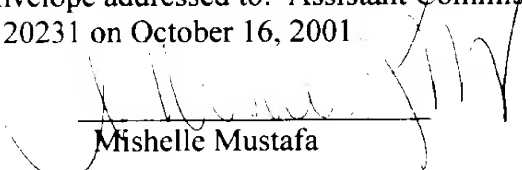
In accordance with 37 C.F.R. §§ 1.97 and 1.98, it is requested that the following references, which are also listed on the attached Form PTO-1449, be made of record in the above-identified case.

1. Deffaud, Clarence, et al. (2000) "Characterization of an Internal Ribosomal Entry Segment in the 5' Leader of Murine Lukemia Virus *env* RNA" Journal of Virology 74 (2): 846-850;
2. Fiaschi, Tania, et al. (2000) "The Inhibitory Effect of the 5' Untranslated Region of Muscle Acylphosphatase mRNA on Protein Expression is Relieved During Cell Differentiation", FEBS Letters 473: 42-46;
3. Geballe, Adam P., et al. (1988) "Translational Control of Cytomegalovirus Gene Expression is Mediated by Upstream AUG Codons", Journal of Virology 62 (9): 3334-3340;

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231 on October 16, 2001.

Dated: October 16, 2001

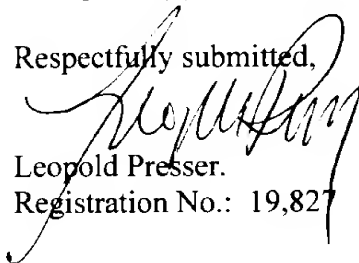

Mishelle Mustafa

4. Sella, Osnat, et al. (1999) "Differentiation-Induced Internal Translation of *c-sis* mRNA: Analysis of the *cis* Elements and Their Differentiation-Linked Binding to the hnRNP C Protein", Molecular and Cellular Biology 19 (8) : 5429-5440;
5. Sarrazin, Sandrine, et al. (2000) "Negative and Translation Termination-Dependent Positive Control of FLI-1 Protein Synthesis by Conserved Overlapping 5' Upstream Open Reading Frames in Fli-1 mRNA", Molecular and Cellular Biology 20 (9) : 2959-2969;
6. Cazzola, Mario, et al. (2000) "Translational Pathophysiology: A Novel Molecular Mechanism of Human Disease", Blood 95 (11): 3280-3288;
7. Rimbault, B., et al. (2000) "Identification of the Initiation Condon for the *atpB* Gene in *Chlamydomonas* Chloroplasts Excludes Translation of a Precursor Form of the β Subunit of the ATP Synthase", Mol Gen Genet 264: 486-491; and
8. Kozak, Marilyn (2000) "Do the 5' Untranslated Domains of Human cDNAs Challenge the Rules for Initiation of Translation (or is it Vice Versa)?", Genomics 70 : 396-406.

Applicants are submitting copies of the above-cited references. The relevance of the above-identified references, together with a copy of the International Search Report. The relevance of the above-identified references has been described in the International Search Report.

Inasmuch as this Information Disclosure Statement is being submitted in accordance with the schedule set out in 37 C.F.R. § 1.97(b), no statement or fee is required.

Respectfully submitted,


Leopold Presser.

Registration No.: 19,827

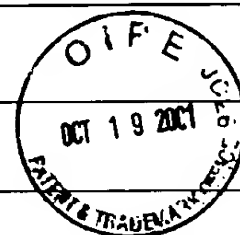
Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343
LP/sf

CEIVED

OCT 24 2001

Form PTO-1449 U.S. DEPARTMENT OF COMMERCE
(REV. 7-80) PATENT AND TRADEMARK OFFICEAtty. Docket No.
13711Serial No.
09/880,253LIST OF PRIOR ART
CITED BY APPLICANT

(Use several sheets if necessary)

Applicant
Joseph A. Rothnagel, et al.Filing Date
June 13, 2001Group
1645

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL* | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE (if appropriate) |
|----------------------|-----------------|------|------|-------|----------|---------------------------------|
| AA | | | | | | |
| AB | | | | | | |

FOREIGN PATENT DOCUMENTS

| | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION | |
|--|-----------------|------|---------|-------|----------|-------------|----|
| | | | | | | YES | NO |
| | | | | | | | |
| | | | | | | | |

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

| | |
|--|---|
| | Deffaud, Clarence, et al. (2000) "Characterization of an Internal Ribosomal Entry Segment in the 5' Leader of Murine Lukemia Virus <i>env</i> RNA" <u>Journal of Virology</u> 74 (2): 846-850; |
| | Fiaschi, Tania, et al. (2000) "The Inhibitory Effect of the 5' Untranslated Region of Muscle Acylphosphatase mRNA on Protein Expression is Relieved During Cell Differentiation", <u>FEBS Letters</u> 473: 42-46; |
| | Geballe, Adam P., et al. (1988) "Translational Control of Cytomegalovirus Gene Expression is Mediated by Upstream AUG Codons", <u>Journal of Virology</u> 62 (9): 3334-3340; |
| | Sella, Osnat, et al. (1999) "Differentiation-Induced Internal Translation of <i>c-sis</i> mRNA: Analysis of the <i>cis</i> Elements and Their Differentiation-Linked Binding to the hnRNP C Protein", <u>Molecular and Cellular Biology</u> 19 (8): 5429-5440; |
| | Sarrazin, Sandrine, et al. (2000) "Negative and Translation Termination-Dependent Positive Control of FLI-1 Protein Synthesis by Conserved Overlapping 5' Upstream Open Reading Frames in Fli-1 mRNA", <u>Molecular and Cellular Biology</u> 20 (9): 2959-2969; |
| | Cazzola, Mario, et al. (2000) "Translational Pathophysiology: A Novel Molecular Mechanism of Human Disease", <u>Blood</u> 95 (11): 3280-3288; |
| | Rimbault, B., et al. (2000) "Identification of the Initiation Condon for the <i>atpB</i> Gene in <i>Chlamydomonas</i> Chloroplasts Excludes Translation of a Precursor Form of the β Subunit of the ATP Synthase", <u>Mol Gen Genet</u> 264: 486-491; and |
| | Kozak, Marilyn (2000) "Do the 5' Untranslated Domains of Human cDNAs Challenge the Rules for Initiation of Translation (or is it Vice Versa)?", <u>Genomics</u> 70: 396-406. |

EXAMINER

DATE CONSIDERED

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.